

Misc. case no. 143/24
Present : Sri. Pranay Subba, A.C.J.M., Dinhata, Coochbehar.

Order no. 07 dt. 13.08.25.

Today is fixed for hearing of petition filed by the O.P. on 07.03.25.

Both the party are present by filing hazira.

The petitioner has filed the written objection of the petition.

Ld. Advocate for the O.P. submitted that after passing of the order in Misc. Case 141/13 u/s 125 of CrP.C., the petitioner is living in adultery for which he has filed a separate case being Misc. case no. 4/25 u/s. 144 (4) of BNSS to cancel that order and since this case is filed for the enhancement by the petitioner of that case, it is prayed by the O.P. to stay this matter until that case is disposed of.

Ld. Advocate for the petitioner submits that there is no stay proceeding in this case from any court and till date the petitioner has no knowledge of any Misc. case no. 4/25 as such, prays for rejecting the petition and to continue with the case.

Perused the record.

The court after hearing both sides agrees with the submission made by the Ld. Advocate for the petitioner and if the case is stayed then the petitioner will be in loss, however if the case continue then no party will be in adverse position. As such, considering all facts and circumstances the petition filed by the O.P. is considered and rejected.

Both party are directed to continue with the proceeding without any further delay.

Fix 19.09.25 for evidence (P.W).

(D/C by me)

SD./- Pranay Subba
ACJM, Dinhata

SD./- Pranay Subba
ACJM, Dinhata